

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

AN OVER-EXPRESSING HOMOLOGOUS ANTIGEN VACCINE AND A METHOD OF MAKING THE SAME

the specification of which (check only one item below):

☐ is attached hereto.

☐ was filed as United States application

Number _____

on _____

and was amended

on _____ (if applicable).

☒ was filed as PCT international application

Number PCT/US97/23032

on 05 December 1997

and was amended under PCT Article 19

on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 (a)-(e) of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

PRIOR FOREIGN/PCT APPLICATION(S) AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. §119:

COUNTRY (if PCT, indicate "PCT")	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 35 U.S.C. §119
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below.

(Application Number)

(Filing Date)

(Application Number)

(Filing Date)

COMBINED DECLARATION FOR PATENT APPLICATION AND POWER OF ATTORNEY (CONTINUED)
(Includes Reference to Provisional and PCT International Applications)

ATTORNEY'S DOCKET NO.

031786-019

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose to the Office all information known to me to be material to the patentability as defined in Title 37, Code of Federal Regulations §1.56, which became available between the filing date of the prior application(s) and the national or PCT international filing date of this application:

PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE U.S. FOR BENEFIT UNDER 35 U.S.C. 120:

U.S. APPLICATIONS		STATUS (check one)		
U.S. APPLICATION NUMBER	U.S. FILING DATE	PATENTED	PENDING	ABANDONED
PCT APPLICATIONS DESIGNATING THE U.S.				
PCT APPLICATION NO.	PCT FILING DATE	U.S. APPLICATION NUMBERS ASSIGNED (if any)		

I hereby appoint the following attorneys and agent(s) to prosecute said application and to transact all business in the Patent and Trademark Office connected therewith and to file, prosecute and to transact all business in connection with international applications directed to said invention:

William L. Mathis	17,337	Robert G. Mukai	28,531	William H. Benz	25,952
Peter H. Smolka	15,913	George A. Hovanec, Jr.	28,223	Peter K. Skiff	31,917
Robert S. Swecker	19,885	James A. LaBarre	28,632	Richard J. McGrath	29,195
Platon N. Mandros	22,124	E. Joseph Gess	28,510	Matthew L. Schneider	32,814
Benton S. Duffett, Jr.	22,030	R. Danny Huntington	27,903	Michael G. Savage	32,596
Joseph R. Magnone	24,239	Eric H. Weisblatt	30,505	Gerald F. Swiss	30,113
Norman H. Stepno	22,716	James W. Peterson	26,057	Michael J. Ure	33,089
Ronald L. Grudziecki	24,970	Teresa Stanek Rea	30,427	Charles F. Wieland III	33,096
Frederick G. Michaud, Jr.	26,003	Robert E. Krebs	25,885	Bruce T. Wieder	33,815
Alan E. Kopecki	25,813	William C. Rowland	30,888	Todd R. Walters	34,040
Regis E. Slutter	26,999	T. Gene Dillahunt	25,423		
Samuel C. Miller, III	27,360	Patrick C. Keane	32,858		
Ralph L. Freeland, Jr.	16,110	Bruce J. Boggs, Jr.	32,344		

and: Brian P. O'Shaughnessy, Reg. No. 32,747 and Kathleen Neuner Manne, Reg. No. 40,101

Address all correspondence to:

Brian P. O'Shaughnessy, Esq.
Burns, Doane, Swecker & Mathis, L.L.P.
P.O. Box 1404
Alexandria, VA 22313-1404

Address all telephone calls to: Brian P. O'Shaughnessy at (703) 836-6620

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

COMBINED DECLARATION FOR PATENT APPLICATION AND POWER OF ATTORNEY (CONTINUED) (Includes Reference to Provisional and PCT International Applications)		ATTORNEY'S DOCKET NO. 031786-019	
FULL NAME OF SOLE OR FIRST INVENTOR Stephen M. BOYLE		SIGNATURE	
RESIDENCE 301 Woodbine Drive, Blacksburg, Virginia 24061		CITIZENSHIP United States	
POST OFFICE ADDRESS 301 Woodbine Drive, Blacksburg, Virginia 24061			
FULL NAME OF SECOND JOINT INVENTOR, IF ANY Silvio CRAVERO		SIGNATURE	
RESIDENCE Felipe Vallese 773 8B, 1405 Capital Federal, Republica, Argentina		CITIZENSHIP Argentina	
POST OFFICE ADDRESS Felipe Vallese 773 8B, 1405 Capital Federal, Republica, Argentina			
FULL NAME OF THIRD JOINT INVENTOR, IF ANY Lynette CORBEIL		SIGNATURE <i>Lynette B Corbeil</i>	
RESIDENCE 1648 Neale Street, San Diego, California 92103		CITIZENSHIP United States CANADA	
POST OFFICE ADDRESS 1648 Neale Street, San Diego, California 92103			
FULL NAME OF FOURTH JOINT INVENTOR, IF ANY Gerhardt SCHURIG		SIGNATURE	
RESIDENCE 2906 Wakefield Drive, Blacksburg, Virginia 24060		CITIZENSHIP United States	
POST OFFICE ADDRESS 2906 Wakefield Drive, Blacksburg, Virginia 24060			
FULL NAME OF FIFTH JOINT INVENTOR, IF ANY Narimalwar SRIRNAGANATHAN		SIGNATURE	
RESIDENCE 507 Cedar Orchard Drive, Blacksburg, Virginia 24060		CITIZENSHIP United States	
POST OFFICE ADDRESS 507 Cedar Orchard Drive, Blacksburg, Virginia 24060			
FULL NAME OF SIXTH JOINT INVENTOR, IF ANY Ramesh VEMULAPALLI		SIGNATURE	
RESIDENCE 2100 Foxhunt Lane NW, Apt. J, Blacksburg, Virginia 24060		CITIZENSHIP United States	
POST OFFICE ADDRESS 2100 Foxhunt Lane NW, Apt. J, Blacksburg, Virginia 24060			
FULL NAME OF SEVENTH JOINT INVENTOR, IF ANY		SIGNATURE	
RESIDENCE		CITIZENSHIP	
POST OFFICE ADDRESS			
FULL NAME OF EIGHTH JOINT INVENTOR, IF ANY		SIGNATURE	
RESIDENCE		CITIZENSHIP	
POST OFFICE ADDRESS			
FULL NAME OF NINTH JOINT INVENTOR, IF ANY		SIGNATURE	
RESIDENCE		CITIZENSHIP	
POST OFFICE ADDRESS			

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I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

AN OVER-EXPRESSING HOMOLOGOUS ANTIGEN VACCINE AND A METHOD OF MAKING THE SAME

the specification of which (check only one item below):

☐ is attached hereto.

☐ was filed as United States application

Number _____

on _____

and was amended

on _____ (if applicable).

☒ was filed as PCT international application

Number PCT/US97/23032

on 05 December 1997

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PRIOR FOREIGN/PCT APPLICATION(S) AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. §119:

COUNTRY (if PCT, indicate "PCT")	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 35 U.S.C. §119
			<input type="checkbox"/> Yes <input type="checkbox"/> No
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			<input type="checkbox"/> Yes <input type="checkbox"/> No

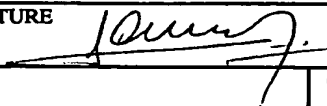
I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below.

(Application Number)

(Filing Date)

(Application Number)

(Filing Date)

COMBINED DECLARATION FOR PATENT APPLICATION AND POWER OF ATTORNEY (CONTINUED) (Includes Reference to Provisional and PCT International Applications)		ATTORNEY'S DOCKET NO. 031786-019
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RESIDENCE 301 Woodbine Drive, Blacksburg, Virginia 24061	CITIZENSHIP United States	
POST OFFICE ADDRESS 301 Woodbine Drive, Blacksburg, Virginia 24061		
FULL NAME OF SECOND JOINT INVENTOR, IF ANY Silvio CRAVERO	SIGNATURE 	DATE 06/11/98
RESIDENCE Felipe Vallese 773 8B, 1405 Capital Federal, Republica, Argentina	CITIZENSHIP Argentina	
POST OFFICE ADDRESS Felipe Vallese 773 8B, 1405 Capital Federal, Republica, Argentina		
FULL NAME OF THIRD JOINT INVENTOR, IF ANY Lynette CORBEIL	SIGNATURE	DATE
RESIDENCE 1648 Neale Street, San Diego, California 92103	CITIZENSHIP United States	
POST OFFICE ADDRESS 1648 Neale Street, San Diego, California 92103		
FULL NAME OF FOURTH JOINT INVENTOR, IF ANY Gerhardt SCHURIG	SIGNATURE	DATE
RESIDENCE 2906 Wakefield Drive, Blacksburg, Virginia 24060	CITIZENSHIP United States	
POST OFFICE ADDRESS 2906 Wakefield Drive, Blacksburg, Virginia 24060		
FULL NAME OF FIFTH JOINT INVENTOR, IF ANY Nammalwar SRIRNAGANATHAN	SIGNATURE	DATE
RESIDENCE 507 Cedar Orchard Drive, Blacksburg, Virginia 24060	CITIZENSHIP United States	
POST OFFICE ADDRESS 507 Cedar Orchard Drive, Blacksburg, Virginia 24060		
FULL NAME OF SIXTH JOINT INVENTOR, IF ANY Ramesh VEMULAPALLI	SIGNATURE	DATE
RESIDENCE 2100 Foxhunt Lane NW, Apt. J, Blacksburg, Virginia 24060	CITIZENSHIP United States	
POST OFFICE ADDRESS 2100 Foxhunt Lane NW, Apt. J, Blacksburg, Virginia 24060		
FULL NAME OF SEVENTH JOINT INVENTOR, IF ANY	SIGNATURE	DATE
RESIDENCE	CITIZENSHIP	
POST OFFICE ADDRESS		
FULL NAME OF EIGHTH JOINT INVENTOR, IF ANY	SIGNATURE	DATE
RESIDENCE	CITIZENSHIP	
POST OFFICE ADDRESS		
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☐ was filed as United States application

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and was amended

on _____ (if applicable).

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(Application Number)

(Filing Date)

(Application Number)

(Filing Date)

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PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE U.S. FOR BENEFIT UNDER 35 U.S.C. 120:

U.S. APPLICATIONS		STATUS (check one)		
U.S. APPLICATION NUMBER	U.S. FILING DATE	PATENTED	PENDING	ABANDONED
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PCT APPLICATION NO.	PCT FILING DATE	U.S. APPLICATION NUMBERS ASSIGNED (if any)		

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Robert S. Swecker	19,885	James A. LaBarre	28,632	Richard J. McGrath	29,195
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Benton S. Duffett, Jr.	22,030	R. Danny Huntington	27,903	Michael G. Savage	32,596
Joseph R. Magnone	24,239	Eric H. Weisblatt	30,505	Gerald F. Swiss	30,113
Norman H. Stepno	22,716	James W. Peterson	26,057	Michael J. Ure	33,089
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Frederick G. Michaud, Jr.	26,003	Robert E. Krebs	25,885	Bruce T. Wieder	33,815
Alan E. Kopecki	25,813	William C. Rowland	30,888	Todd R. Walters	34,040
Regis E. Slutter	26,999	T. Gene Dillahunt	25,423		
Samuel C. Miller, III	27,360	Patrick C. Keane	32,858		
Ralph L. Freeland, Jr.	16,110	Bruce J. Boggs, Jr.	32,344		

and: Brian P. O'Shaughnessy, Reg. No. 32,747 and Kathleen Neuner Manne, Reg. No. 40,101

Address all correspondence to:

Brian P. O'Shaughnessy, Esq.
Burns, Doane, Swecker & Mathis, L.L.P.
P.O. Box 1404
Alexandria, VA 22313-1404

Address all telephone calls to: Brian P. O'Shaughnessy at (703) 836-6620

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COMBINED DECLARATION FOR PATENT APPLICATION AND POWER OF ATTORNEY (CONTINUED) (Includes Reference to Provisional and PCT International Applications)		ATTORNEY'S DOCKET NO. 031786-019	
FULL NAME OF SOLE OR FIRST INVENTOR Stephen M. BOYLE		SIGNATURE <i>Stephen M. Boyle</i>	
RESIDENCE 301 Woodbine Drive, Blacksburg, Virginia 24061		DATE 6-8-98	
POST OFFICE ADDRESS 301 Woodbine Drive, Blacksburg, Virginia 24061		CITIZENSHIP United States	
FULL NAME OF SECOND JOINT INVENTOR, IF ANY Silvio CRAVERO		SIGNATURE	
RESIDENCE Felipe Valles 773 8B, 1405 Capital Federal, Republica, Argentina		DATE	
POST OFFICE ADDRESS Felipe Valles 773 8B, 1405 Capital Federal, Republica, Argentina		CITIZENSHIP Argentina	
FULL NAME OF THIRD JOINT INVENTOR, IF ANY Lynette CORBEIL		SIGNATURE	
RESIDENCE 1648 Neale Street, San Diego, California 92103		DATE	
POST OFFICE ADDRESS 1648 Neale Street, San Diego, California 92103		CITIZENSHIP United States	
FULL NAME OF FOURTH JOINT INVENTOR, IF ANY Gerhardt SCHURIG		SIGNATURE <i>Gerhardt Schurig</i>	
RESIDENCE 2906 Wakefield Drive, Blacksburg, Virginia 24060		DATE 6/8/98	
POST OFFICE ADDRESS 2906 Wakefield Drive, Blacksburg, Virginia 24060		CITIZENSHIP United States	
FULL NAME OF FIFTH JOINT INVENTOR, IF ANY Nammalwar SRIRNAGANATHAN		SIGNATURE <i>Nammalwar</i>	
RESIDENCE 507 Cedar Orchard Drive, Blacksburg, Virginia 24060		DATE 6/8/98	
POST OFFICE ADDRESS 507 Cedar Orchard Drive, Blacksburg, Virginia 24060		CITIZENSHIP United States	
FULL NAME OF SIXTH JOINT INVENTOR, IF ANY Ramesh VEMULAPALLI		SIGNATURE <i>Ramesh</i>	
RESIDENCE 2100 Foxhunt Lane NW, Apt. J, Blacksburg, Virginia 24060		DATE 6/8/98	
POST OFFICE ADDRESS 2100 Foxhunt Lane NW, Apt. J, Blacksburg, Virginia 24060		CITIZENSHIP United States	
FULL NAME OF SEVENTH JOINT INVENTOR, IF ANY		SIGNATURE	
RESIDENCE		DATE	
POST OFFICE ADDRESS		CITIZENSHIP	
FULL NAME OF EIGHTH JOINT INVENTOR, IF ANY		SIGNATURE	
RESIDENCE		DATE	
POST OFFICE ADDRESS		CITIZENSHIP	
FULL NAME OF NINTH JOINT INVENTOR, IF ANY		SIGNATURE	
RESIDENCE		DATE	
POST OFFICE ADDRESS		CITIZENSHIP	

Applicant or Patentee: Stephen M. Boyle et al.

Application or Patent No.: 09/091,521

Filed or Issued: June 19, 1998

For: AN OVER-EXPRESSING HOMOLOGOUS ANTIGEN VACCINE AND A METHOD OF MAKING THE SAME

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 C.F.R. §§ 1.9(f) AND 1.27(c)) - SMALL BUSINESS CONCERN**

I hereby declare that I am

- ☐ the owner of the small business concern identified below:
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN University of California San Diego

ADDRESS OF CONCERN 9500 Gilman Drive, La Jolla, California 92093

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 C.F.R. § 1.21 for purposes of paying reduced fees under Sections 41(a) and 41(b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average, over the previous fiscal year of the concern, of the persons employed on a full-time, part-time, or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention entitled AN OVER-EXPRESSING HOMOLOGOUS ANTIGEN VACCINE AND A METHOD OF MAKING THE SAME by inventor(s) Stephen M. BOYLE; Silvio CRAVERO; Lynette CORBEIL; Gerhardt SCHURIG; Nammalwar SRIRNAGANATHAN and Ramesh VEMULAPALLI described in

- ☐ the specification filed herewith
☒ Application No. 09/091,521 , filed June 19, 1998 .
☐ Patent No. _____ , issued _____ .

If the rights held by the above-identified small business concern are not exclusive, each individual, concern, or organization having rights to the invention is listed below,* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 C.F.R. § 1.9(c), or by any concern that would not qualify as either a small business concern under 37 C.F.R. § 1.9(d) or a nonprofit organization under 37 C.F.R. § 1.9(e).

*NOTE: Separate verified statements are required from each named person, concern, or organization having rights to the invention averring to their status as small entities. (37 C.F.R. § 1.27.)

NAME Virginia Tech Intellectual Properties, Inc.

ADDRESS 1900 Kraft Avenue, Suite 107, Blacksburg, VA 24060

☐ individual ☐ small business concern ☒ nonprofit organization

NAME _____

ADDRESS _____

☐ individual ☐ small business concern ☐ nonprofit organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earlier of the issue fee and any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. § 1.28(b).)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code; and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Dr. Alan Paau

TITLE OF PERSON OTHER THAN OWNER Director, Technology Transfer Office - UCSD

ADDRESS OF PERSON SIGNING 9500 Gilman Drive, Technology Transfer Office

Mail Code 0910, La Jolla, California 92093-0910

SIGNATURE Alan Paau DATE 7/13/98

Applicant or Patentee: Stephen M. Boyle et al.

Application or Patent No.: 09/091,521

Filed or Issued: June 19, 1998

For: AN OVER-EXPRESSING HOMOLOGOUS ANTIGEN VACCINE AND A METHOD OF MAKING THE SAME

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY
STATUS (37 C.F.R. §§ 1.9(f) AND 1.27(d)) - NONPROFIT ORGANIZATION**

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF ORGANIZATION Virginia Tech Intellectual Properties, Inc.

ADDRESS OF ORGANIZATION 1900 Kraft Drive, Suite 107, Blacksburg, Virginia 24060

United States of America

TYPE OF ORGANIZATION

- ☐ University or other institution of higher education
- ☐ Tax exempt under Internal Revenue Service Code (26 U.S.C. §§ 501(a) and 501(c)(3))
- ☒ Nonprofit scientific or educational under statute of state of The United States of America
(Name of state Virginia)
(Citation of statute _____)
- ☐ Would qualify as tax exempt under Internal Revenue Service Code (26 U.S.C. §§ 501(a) and 501(c)(3)) if located in The United States of America
- ☐ Would qualify as nonprofit scientific or educational under statute of The United States of America if located in The United States of America
(Name of state _____)
(Citation of statute _____)

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 C.F.R. § 1.9(e) for purposes of paying reduced fees under Sections 41(a) and 41(b) of Title 35, United States Code, with regard to the invention entitled by inventor(s) Stephen M. BOYLE; Silvio CRAVERO; Lynette CORBEIL; Gerhardt SCHURIG; Nammalwar SPIRNAGANATHAN and Ramesh VEMULAPALLI described in

- ☐ the specification filed herewith
- ☒ Application No. 09/091,521, filed June 19, 1998.
- ☐ Patent No. _____, issued _____.

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above-identified invention.

If the rights held by the above-identified nonprofit organization are not exclusive, each individual, concern, or organization having rights to the invention is listed below,* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an individual inventor under 37 C.F.R. § 1.9(c), or by any concern that would not qualify as either a small business concern under 37 C.F.R. § 1.9(d) or a nonprofit organization under 37 C.F.R. § 1.9(e).

***NOTE:** Separate verified statements are required from each named person, concern, or organization having rights to the invention averring to their status as small entities. (37 C.F.R. § 1.27.)

FULL NAME University of California San Diego

ADDRESS 9500 Gilman Drive, La Jolla, California 92093
☐ individual ☐ small business concern ☒ nonprofit organization

FULL NAME _____

ADDRESS _____
☐ individual ☐ small business concern ☐ nonprofit organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earlier of the issue fee and any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. § 1.28(b).)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code; and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

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